

BOARD OF REGISTRATION IN PHARMACY
MEETING MINUTES
February 7, 2012
239 Causeway Street
Boston, Massachusetts

Board Members Present

Michael J. Tocco, R.Ph., M.Ed.; Stanley Walczyk, R.Ph.; Karen Ryle R.Ph., M.S.; Sophia Pasedis R.Ph., Pharm.D.; Joanne Trifone, R.Ph.; Kathy Fabiszewski, Ph.D, N.P.

Board Members Absent
Staff Present

George Cayer, R.Ph.; James T. DeVita, R.Ph.; Steven Budish

James D. Coffey R.Ph., Director; Margaret Cittadino, M.Ed. Associate Director; Susan Manning, Board Counsel; Leo McKenna, R.Ph., Pharm.D., Quality Assurance (QA) Coordinator; Samuel J. Penta, R.Ph., Supervising Investigator; Cheryl Lathum, R.Ph., Pharm.D., Investigator; William E. Frisch, Jr., R.Ph., Investigator; James Emery, Pharmacy Technician, Investigator, Jessica Shaver, Northeastern University Intern

1. 8:30 a.m. CALL TO ORDER
President Michael J. Tocco, R.Ph., M.Ed.

2. 8:35 a.m. REVIEW/ADOPTION OF BOARD MEETING MINUTES
August 16, 2011 and January 10, 2012 Meeting Minutes

Motion Walczyk/Pasedis to approve minutes from August 16, 2011 and January 10, 2012 Board meetings.
Approved

3. 8:40 a.m. APPLICATIONS and Other Notices
Assoc. Dir. Margaret Cittadino

New Community Pharmacy

CVS 5382, 177 Brighton Avenue, Allston
Walgreens 15193, 329 Conway Street, Greenfield

Change of Manager

Central Pharmacy, 1349 Commonwealth Avenue, Boston (DS89654)
CVS 913, 19 Summer Street, Bridgewater (DS3437)
CVS 920, 792 Main Street, Clinton (DS89649)
CVS 1094, 137 Federal Street, Greenfield (DS1627)
CVS 224, 650 Main Street, Reading (DS20589)
CVS 0008, 197 Boston Turnpike, Shrewsbury (DS2926)
CVS 46, 999 Watertown Street, West Newton (DS17594)
IntegriScript, 95B Ashley Avenue, West Springfield (DS89726)
PharmaCare Pharmacy 2424, 165 Mill Street, Leominster (DS3224)
Pelham Community Pharmacy, 196 Bear Hill Rd., Waltham (DS89647)
Rite Aid 10192, 3840 Falmouth Road, Marston Mills (DS3183)
Winchendon Family Pharmacy, 117 Central St., Winchendon (DS8679)
Worcester Family Pharmacy, 108 Grove Street, Worcester (DS89703)

Retail Closings

Walgreens Specialty Pharmacy 13622, 260D Fordham Road, Wilmington (DS89645). Schedules II-V controlled substances sent to reverse distributor; Schedule VI medications and prescription records transferred to Walgreens Specialty Pharmacy 13625, 7164 Technology Drive, Suite 100, Frisco, TX.

Kmart Pharmacy 3638, 10 Main Street, Tewksbury (DS2168)
Controlled substances and prescription records to be transferred to CVS 2055, 10 Main Street, Tewksbury (DS2594).

Renovation/Expansion

CVS 1094, 137 Federal Street, Greenfield (DS1627)

CVS 1238, 555 Main Street, Medfield (DS2058)

Rite-Aid 10180, 131-133 Main Street, Middleboro (DS3126)

New Clean Room

Hopkinton Drug, 52 Main Street, Hopkinton (DS8191)

Motion Walczyk/Ryle to approve all applications

Recused Tocco for CVS and Trifone for Walgreens

Approved

4. 8:45 a.m. UPDATES

Dir. James D. Coffey/Assoc. Dir. Margaret Cittadino

- Update Re: Pharmacist Immunization Policy Development
- Board Dispositions

5. 8:55 a.m. BOARD MEETING PLANNING/OBJECTIVES

Pres. Michael J. Tocco

- Pres. Tocco presented Stanley Walczyk with a plaque recognizing his service as 2011 Board President.
- Pres. Tocco proposed that Board members develop a continuing education module on Board regulations to be presented by members. Director Pontikas noted that all arrangements and discussions must be made through the Board office and that financing and other decisions must follow agency and State Ethics Commission requirements. Discussion to continue at next meeting.
- Proposed complaint disposition protocol to be reviewed at next meeting.

6. 9:20 a.m. PRESENTATION

Leo A. McKenna, Pharm.D., QA Coordinator; James D. Coffey, Director; Jessica Shaver, Pharm.D. Candidate (NEU 2012), Board Intern

**Review of Pharmacy Inspections Summary Information regarding
Deficiency Statements and Plans of Correction**

QA Director McKenna and Pharmacy Board Intern Jessica Shaver presented summary information regarding the Board Pharmacy Inspection process (247 CMR 6.11-6.13), including inspection findings, investigator issuance of Deficiency Statements to the pharmacy in appropriate cases, review of Plans of Correction submitted by the Pharmacy, and follow-up by the Board as necessary where the corrective action proposed or taken does not meet the requirements of Board regulations. QA Director McKenna noted that the summary data demonstrates that Board inspections, and Board communications to pharmacies

regarding any necessary corrective actions following inspections, resolve without additional Board action in most cases.

7. 9:40 a.m. REPORT OF OFFICE OF INVESTIGATIONS

File Review - Samuel J. Penta, R.Ph., Supervising Investigator; James C. Emery, Investigator; Cheryl Latham, Pharm.D., R.Ph., Investigator; William E. Frisch, Jr., R.Ph., Investigator; Leo A. McKenna, Pharm.D., R.Ph., Q.A. Coordinator

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|---|---|---|
| 1 | PHA-2011-0104 Stop & Shop 88 DS2231 | Motion Ryle/Walczyk to Dismiss with Advisory Letter with policies and procedures on Quality Assurance Compliance in blister card preparation. Approved |
| | PHA-2011-0265 Harold Sargent PH16117 | Motion Walczyk/Trifone to Dismiss with Advisory Letter with 2 Continuing Education (CE) credits in medication error prevention. Approved |
| 2 | | [Director Coffey not present in meeting room for discussion or vote on Target matters.] |
| | PHA-2011-0080 Target 1965 DS3399 | Motion Walczyk/Pasedis to Dismiss with Advisory Letter with names and signatures of retrained employees to be provided to Board. Approved |
| | PHA-2011-0261 Julie Casella PH20823 | Motion Pasedis/Trifone to Dismiss with Advisory Letter with 2 CEs in medication error prevention. Approved |
| | PHA-2011-0262 Kelly Kittredge PT1881 | Motion Pasedis/Trifone to Dismiss with Advisory Letter and 2 CEs in medication error prevention. Approved |
| | PHA-2011-0260 Margaret L. Dehorsey PT 9261 | Motion Pasedis/Trifone to Dismiss with Advisory Letter and 2 CEs in medication error prevention. Approved |

8. 10:30 a.m. REPORT OF OFFICE OF GENERAL COUNSEL - Susan Manning, Board Counsel

Board reviewed proposed Board of Registration in Nursing regulation revisions regarding Advanced Practice Nursing (APRN), per consultation directive of M.G.L. c.112, ss. 80E, 80G and 80H.

Motion Walczyk/Trifone to approve the revised APRN regulations.
Approved

CLOSED SESSION - Review/discussion of Complaints and other Legal Matters
[MGL c. 112, s. 65C; MGL c. 30A, ss. 18-21]

10:35 a.m. **Motion** Walczyk/Pasedis to enter Closed Session. **Approved**

11:50 a.m. **Motion** Walczyk /Ryle to return to Open Session. **Approved**

11:50 a.m. Accetta and Fabiszewski exit meeting

9. 11:50 a.m. **INVESTIGATIVE CONFERENCE**

PHA-2011-0024 CVS/pharmacy #1854, Scituate (DS2085)
PHA-2011-0157 Valarie O'Sullivan, R.Ph. (PH23106)
PHA-2011-0156 Lauren M. Cohen (PT5296)

Present: Valarie O'Sullivan, R.Ph, Manager of Record; Lauren M. Cohen, Pharmacy Technician; Susan Delmonico, Director of Regulatory Compliance; David Lookingbill, District Manager; Kuitim Bequiri, R.Ph., Pharmacy Supervisor; William Purdue, Esq., CVS Counsel

Complaint alleges patient received **lamictal** 200 mg. instead of prescribed **lamisil** 250 mg. on or about December 2, 2009 with ingestion and hospitalization resulting. Pharmacy Technician Cohen performed data entry; MOR Sullivan verified the prescription and communicated with prescriber after dispensing. Copy of scanned image of prescription shows handwritten notes regarding communication with prescriber after dispensing. After receipt of employee letter, Board requested CVS to perform internal investigation of allegations of prescription tampering by pharmacy personnel.

Board reviewed complaint and CVS employee letter (anonymous) allegations with Technician Cohen and MOR Sullivan and CVS representatives. CVS report of results of recent internal investigation only confirmed that MOR Sullivan had made note (which note, along left side of prescription, MOR Sullivan acknowledged also included and erroneous reference to **lamictal**); no changes to the medication name or strength on the original prescription were confirmed by CVS investigation. On questioning, Cohen and Sullivan denied making any changes to medication name or strength on the original prescription. However, Cohen and Sullivan acknowledged discussing matters related to the prescription prior to dispensing.

Recused Tocco (not present in room for discussion or vote)
Motion Trifone/Pasedis to take matter under advisement
Approved

10. 12:25 p.m. **NEW COMMUNITY PHARMACY APPLICATION/Appealance**
V-CARE PHARMACY AND SURGICAL SUPPLIES, LLC
Proposed: 151 Cochituate Road, Store #3, Framingham, Massachusetts

Present: Vipul Patel, R.Ph., Owner and proposed Manager of Record

Motion Walczyk/Pasedis to approve application pending compliant inspection
Approved

11. 12:40 p.m. **LUNCH**

12. 1:30 p.m. REPORT OF OFFICE OF INVESTIGATIONS - Continuation of File Review

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|---|--|---|
| 4 | PHA-2011-0174 Target Pharmacy T-1281 DS2992 | [Director Coffey not present in meeting room for discussion or vote on Target matters.] Motion Pasedis/Trifone to request Target to provide results of Manager of Record (MOR) status audit for all MA pharmacies. Approved |
| | PHA-2011-0215 Lisa Jessup PH23518 | Motion Ryle/Walczyk to Dismiss with Advisory Letter and 9 home study CE's (CE deficiencies). Approved |
| | PHA-2012-0026 Edward Chin PH26185 | Motion Pasedis/Tocco to Dismiss with Advisory Letter with 2 CE's in Law. Approved |
| | PHA-2012-0027 Victoria U. Byrd PH232823 PHA-2011-0214 Dina Paolillo-Cross PH26891 | Motion Pasedis/Tocco to Dismiss with Advisory Letter with 2 CE's in Law. Approved Motion Ryle/Walczyk to Dismiss with Advisory Letter and 15 live and 9 law CE's (CE deficiencies). Approved |
| 5 | PHA-2011-0199 Rite Aid 10101 DS2397 | Motion Tocco/Walczyk to Dismiss with Advisory Letter and requesting Plan of Correction that includes retraining of all pharmacy employees regarding policies and procedures for expired medications; names and signatures of retrained employees to be provided to Board. Approved |

13. 2:40 p.m. Pasedis exits meeting.

FLEX DISCUSSION

A. NEW BUSINESS

- 1) Walgreens *TransferSafe* correspondence
Walgreens will be invited to make a presentation at the March 6 Board meeting.
- 2) Nomination of Voting and Alternate Delegate - NABP Annual Meeting, Philadelphia, PA (May 19-22, 2012)

Motion Walczyk/Ryle - Joanne Trifone as Delegate; Michael Tocco as Alternate
Approved
- 3) NABP Correspondence
- University of Utah School on Alcoholism and Other Drug Dependencies (6/17-22)
NABP scholarships are available. Sophia Pasedis, Joanne Trifone and Mike Tocco interested in attending.

- MPJE Item Writers/Review Committee Item Writing Workshop (3/22-23)
Dir. Coffey stated he will continue to be Board MPJE Item Writer.
Joanne Trifone and Michael Tocco will assist with question review.
- Foreign Pharmacy Graduate Equivalency Examination
NABP notice not relevant to Board
- Recognition Resolution
Boards are welcome to submit resolutions.

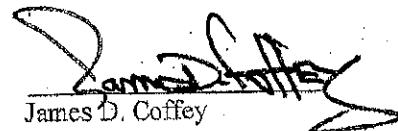
4. APPLICATIONS

- a) Cliff Tze Hou Chung - Pharmacy Technician
Motion Walczyk/Pasedis to approve.
Approve
- b) Dana Wojtasinski - Pharmacy Intern
Motion Walczyk/Pasedis to approve.
Recused: Tocco
Approve
- c) Shem Matahe Gichuhi, Pharmacy Intern
Motion Walczyk/Trifone to schedule conference
Approved
- d) Sarah Anne Mordkovich - Pharmacist application
Motion Walczyk/Trifone to schedule conference
Approved
- e) Daniel Kaeka - Pharmacy Intern
Motion Pasedis/Ryle to schedule conference
Board meeting.
Approved
- f) Roberto Perera III - Pharmacy Technician
Motion Walczyk/Pasedis to approve.
Approve

2:40 p.m. Motion Walczyk/Ryle to adjourn. Approved

ADJOURNMENT

Respectfully submitted by:


James D. Coffey
Director

Board approved: April 3, 2012

BOARD OF REGISTRATION IN PHARMACY
CLOSED SESSION MINUTES
FEBRUARY 7, 2012
239 CAUSEWAY STREET
BOSTON, MA 02114

Closed Session - M.G.L. c. 112, s. 65C (Pending Complaints)
M.G.L. c. 30A, s. 18-21 (Adjudicatory and Executive)

REPORT OF OFFICE OF GENERAL COUNSEL - Susan Manning, Board Counsel

10:35 a.m. Motion Walczyk/Pasedis to enter Closed Session. **Approved**

Matters of:

- Steven A. Shraiar (PH14861/Revoked) Reinstatement Inquiry -
Docket Nos. PH-07-023, PHA-2010-0010 and other docket nos.

Board reviewed reinstatement inquiry letter from Steven Shraiar, prior communications with Mr. Shraiar and disciplinary history with the Board.

Motion Ryle/Trifone to again advise no conditions for reinstatement.
Approved

- Steven R. Petrillo, R.Ph. (PH23960) - Docket No. PHA-2011-0340

Board reviewed complaint file related to Licensee's arrest and subsequent charges for fraudulently obtaining a prescription from his physician and attempting to fill the duplicate prescription at second pharmacy (Rite Aid) later on same day that he had filled a prescription (Walgreens) for the same medication. Licensee was terminated from NH VA facility; no current MA pharmacy employment.

Motion Walczyk/Trifone to refer to DHPL Office of Prosecutions for issuance of *Temporary Order of Summary Suspension*.
Approved

[REDACTED]

Board reviewed evaluation reports provided by [REDACTED] and MPRS referral. Reports note prior diagnoses and current behavior as reported by licensee. Neither evaluator notes awareness of licensee's reported practice issues except for reference to dispute with supervisor. Board identified terms to propose to licensee for resolution of complaint.

Motion Walczyk/Tocco to propose *Consent Agreement* terms that include, but may not be limited to, a one year period of license suspension with random monitoring (alcohol), a comprehensive psychiatric evaluation (Board approved psychiatrist or psychologist with no prior personal or professional relationship),

personal psychotherapy (monthly or more frequently as may be recommended), and a comprehensive medical examination (primary care provider). If Board grants petition for termination of suspension, Board will determine terms for the resumption of pharmacy practice on probationary status for five year period, including, but may not be limited to, screens, re-training, re-examination, practice monitoring and limitations, and employer evaluations.

Approved

- **Bhuren H. Patel, R.Ph. (PH21347)/Pelham Community Pharmacy (DS89647)**.
Docket Nos. PHA-2011-0212, PHA-2011-0211 and PHA-2010-0195.

Board reviewed correspondence from Atty. Fradette. Board will communicate proposed revisions to Consent Agreement regarding probation period and terms. Board approved new MOR earlier in day.

- **North Shore Pharmacy Services (DS3458)** - Multiple Docket Numbers
Recused Tocco (not present in room for discussion)

Dir. Coffey updated Board on documents submitted to date in accordance with Consent Agreement. Most ISMP recommendations have been or will be implemented in short time frame; extended implementation dates on limited number of technology related recommendations. Board staff, Dir. Pontikas and Joanne Trifone will schedule Spring 2012 meeting with NSP per agreement.

- **Erin Morrison (PT5362)** Docket No. PHA-2012-0013 (Walgreens Pharmacy)
Recused Trifone (not present in room for discussion or vote)

Board reviewed complaint involving admitted diversion.

Motion Walczyk/Tocco to issue *Temporary Order of Summary Suspension*; accept voluntary surrender if submitted.

Approved

- **Jeffrey A. Cohen, R.Ph. (PH20734)** - Docket Nos. PHA-2011-0254 and 0014

Board reviewed complaint file related to Licensee's arrest and subsequent charges for presenting and picking up a pain medication prescription in name of "Diane Lewis" that was determined to be fraudulent (prescription on Newton Wellesley Hospital pad/allergist). Licensee currently employed at America's Compounding Center in Newton.

Motion Trifone/Ryle to refer to DHPL Office of Prosecutions for issuance of *Temporary Order of Summary Suspension*.

Approved

- **Jaime M. Masick** - Pharmacy Intern application

Board reviewed application and will advise applicant MPRS evaluation required.

11:50 a.m. **Motion Walczyk/Ryle** to return to Open Session. **Approved**